



**VALENCIA COUNTY**

**RESOLUTION 2022-121**

**AMENDING THE HIRING INCENTIVE PROGRAM FOR VALENCIA COUNTY TO PROVIDE FOR CONTINUED DETENTION RECRUITMENT**

**WHEREAS**, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting December 21, 2022, at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

**WHEREAS**, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

**WHEREAS**, NMSA 1978, Section 3-17-1 *et seq.* (1990) provides that municipalities may adopt laws not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and,

**WHEREAS**, NMSA 1978 Section 4-38-19 (A) (1973) provides in part that, “[a] board of county commissioners may set the salaries of such employees and deputies as it feels necessary to discharge the functions of the county. . .;” and,

**WHEREAS**, the Board has adopted a merit system ordinance, the Valencia County Personnel Policy; and,

**WHEREAS**, Article IV, Section 27; [n]o law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except otherwise provided in this constitution; and,

**WHEREAS**, the NM Attorney General’s Opinion dated June 4, 2004 explains that while retroactive “bonuses” are unconstitutional, the constitution does not preclude a public employer from considering its employees’ past performance and years of service when deciding how to compensate them, as long as the employees are paid in return for future services; and,

**WHEREAS**, according to the Albuquerque Journal November 2021 the New Mexico vacancy rate for corrections officers is at 31% and the Valencia County Detention Center has experienced this shortage; and,

**WHEREAS**, Valencia County is a wonderful place to live, work and raise a family, and in recognition of that the Sheriff and Commission believe a hiring providing a hiring incentive pay program will attract new employees to be members of the community and serve the public; and,

**WHEREAS**, on March 16, 2022 this Board adopted Resolution 2022-28 Creating Hiring Incentive for Valencia County Deputy and Detention Recruitment and on June 1, 2022 the Board adopted Resolution 2022-54 Amending Resolution 2022-28, and the Board, upon the recommendation of the Manager, Sheriff & Warden have determined it is in the best interested of the County to amend the program with the adoption of this resolution.

**NOW THEREFORE**, be it resolved by the Board of County Commissioners that the following incentive program is hereby implemented:

## II. DETENTION CENTER CONDITIONS OF HIRING INCENTIVE

- A. The hiring incentive pay program will provide for \$2,000 for newly hired detention officers.
- B. The incentive pay will be made in two equal payments.
  - 1. The first payment will be upon the completion of 6 months of employment with the detention center.
  - 2. The second payment will be made upon completion of 1 year of employment with the detention center.
  - 3. Individuals separated from the Detention Center within 9 months prior to or after the adoption of this resolution are not eligible for the Detention Center hiring incentive pay.
- C. The total dollar amount for the Detention Center hiring incentive is not to exceed \$42,000.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Board of County Commissioners that this program will end on December 31<sup>th</sup>, 2023 any recruits hired before that date will be eligible to participate and those hired after will not.

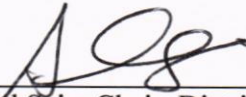
**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Board of County Commissioners that the Detention Hiring Incentive program will be paid for by available American Rescue Plan Act (ARPA) funds in the amount of \$42,000 in ARPA funds which are budgeted for this program-exclusive of funds obligated under Resolution 2022-54. In the event that the designated funding is not available or the budgeted incentive funds are exhausted this program shall terminate with no further incentives.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that Resolutions 2022-28 and 2022-54 are repealed and replaced with the adoption of this Resolution.



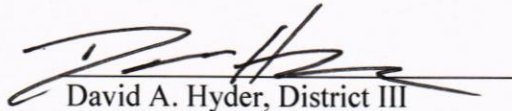
PASSED, APPROVED AND RESOLVED THIS 21<sup>st</sup> DAY OF DECEMBER 2022

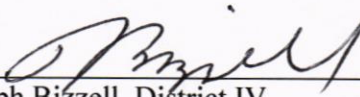
BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Gerard Saiz, Chair, District I

\_\_\_\_\_  
Jhonathan Aragon, Vice-Chair, District V

  
\_\_\_\_\_  
Troy Richardson, District II

  
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David A. Hyder, District III

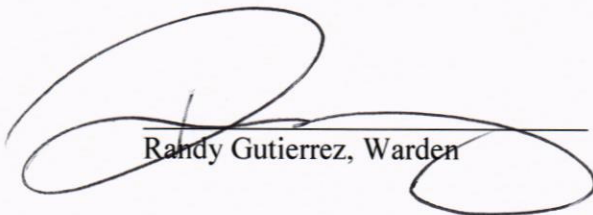
  
\_\_\_\_\_  
Joseph Bizzell, District IV



Attest:

  
\_\_\_\_\_  
Mike Milam, County Clerk

WARDEN

  
\_\_\_\_\_  
Randy Gutierrez, Warden

1-6-23  
Date